

Entered - 6-4-01 - sb  
CL 01L0339 - ALEXIS HOLMES

CLAIM OF: **IDA G. MACHER**

Through her insurance company,  
Kemper Insurance Companies  
2801 Coliseum Centre Drive  
Suite 450  
Charlotte, NC 28217

02-*R*-0792

For damages alleged to have been sustained as a result of driving in  
to a construction ditch in the curbside of the road on May 27, 2001 at  
1177 Piedmont and Rockmont Roads, NE.

THIS ADVERSED REPORT IS APPROVED

BY:

*Robert N. Godfrey*  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL MAY 20 2002

CONSENT AGENDA

## ADVERSE REPORT

COMM: *Public Safety*

DATE: *5/24/02*

CHAIR: *[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

CERTIFIED  
MAY 20 2002  
*Renee Boush Johnson*  
MUNICIPAL CLERK

CERTIFIED  
MAY 20 2002  
ATLANTA CITY COUNCIL PRESIDENT  
*Catherine M. Woodward*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

May 31, 2002

Kemper Insurance Companies  
Insurance Carrier  
Attn: Alice Hoyt  
2801 Coliseum Centre Drive  
Suit450  
Charlotte, NC 28217

02-R-0792

RE: Ida G. Macher

Dear Ms. Hoyt:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on May 20, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0439

Date: 4/24/02

Claimant /Victim IDA G. MACHER  
 BY: (Atty) (Ins. Co.) Kemper Insurance Companies.  
 Address: 2810 Coliseum Centre Drive, Suite 450 Charlotte, NC 28217  
 Subrogation: X Claim for Property damage \$ 4,336.00 Bodily Injury \$ \_\_\_\_\_  
 Date of Notice: 7/02/01 Method: Written, proper X Improper \_\_\_\_\_  
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
 Date of Occurrence 5/27/01 Place: 1177 Piedmont Road and Rockmont Road, NE  
 Department \_\_\_\_\_ Division: \_\_\_\_\_  
 Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that she sustained vehicular damages when she drove into a ditch that was in the road. However, an investigation has determined that the ditch was actually located off the roadway and in the gutter portion of the street. The incident occurred because the claimant drove too close to the curb. However, the claimant had a duty to maintain her lane of traffic.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Other   X   Written \_\_\_\_\_ Oral \_\_\_\_\_  
 Pictures   X   Diagrams   X   Reports: Police   X   Dept Report \_\_\_\_\_ Other \_\_\_\_\_  
 Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
 Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_ X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent X City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

Alexis Holmes  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse ☒ Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager: *[Signature]* Concur/date 050302  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3731  
5/20/02  
2:33 PM

Atlanta City Council

Regular Session

CONSENT I            PGS. 1-15: Except 02-O-0852; 02-R-0729

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	NV Martin	Y Norwood
NV Young	Y Shook	Y Maddox	B Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

CONSENT AGENDA MAY 20, 2002

ITEMS ADOPTED ON THE  
CONSENT AGENDA

02-R-0813	02-R-0753
02-R-0812	02-R-0754
02-R-0807	02-R-0755
02-R-0805	02-R-0756
02-R-0721	02-R-0757
02-R-0504	02-R-0758
02-R-0808	02-R-0759
02-R-0708	02-R-0760
02-R-0707	02-R-0761
02-R-0882	
02-R-0881	
02-R-0809	
02-R-0798	
02-R-0797	
02-R-0732	
02-R-0706	
02-R-0724	
02-R-0802	
02-R-0888	
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02-R-0733	
02-R-0731	
02-R-0728	
02-R-0727	
02-O-0846	
02-O-0830	
02-O-0703	
02-O-0699	
02-O-0671	
02-O-0606	
02-O-0605	
02-O-0833	
02-O-0601	
02-O-0488	
02-O-0836	
02-O-0845	
02-O-0844	
02-O-0843	
02-O-0835	
02-O-0834	
02-O-0603	
02-R-0735	
02-R-0752	

ITEMS ADVERSED ON THE  
CONSENT AGENDA

02-R-0762
02-R-0763
02-R-0764
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02-R-0767
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02-R-0769
02-R-0770
02-R-0771
02-R-0772
02-R-0773
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02-R-0790
02-R-0792
02-R-0793
02-R-0794
02-R-0795
02-R-0796